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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,907	03/13/2001	Yoshiaki Segawa	1924.65310	2790

24978 7590 05/20/2005

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EXAMINER

COLLINS, SCOTT M

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/804,907		SEGAWA ET AL.	
	Examiner		Art Unit	
	Scott M. Collins		2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

h/c

DETAILED ACTION

1. Claims 1-5 examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment on 10/25/2004 and Information Disclosure Statement on 05/02/2005.

Response to Arguments

3. Applicant's arguments filed 10/25/2004 have been fully considered but they are not persuasive. Applicant's arguments center around the contention that the Takase reference does not teach reconnecting after the connection "has been abnormally cut off" and notes specifically that the cited portion in Takase column 10, lines 8-25 does not teach this limitation. On the contrary, the cited portion teaches the storing of connection information in order to restore a connection and the reference further teaches this intent in column 3, lines 56-64.

Claim Objections

4. Claims 1-3 are objected to because of the following informalities:
 - a. In multiple instances in at least claims 1 and 2, the word "reply" has been accidentally spelled "replay".
 - b. In claim 1, the amended claim reads "a connection monitoring unit connection".
5. Appropriate correction is required for all informalities.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Takase et al., U.S. Patent Number 5,042,027 (herein referred to as Takase).

8. It should be noted that in all the claims, the examiner has understood the “reply unit” to be a generic server and the “external device” to be a generic client.

9. Referring to claims 1, 4, and 5, Takase has taught a data communication device (or method comprising steps accomplished by the following or computer readable medium for storing instructions, which when executed on a computer, causes the computer to act as follows) establishing data communication with an external communication device (Takase figure 1), comprising:

a. a reply unit configured to transmit reply information corresponding to a request issued by the external device, and to store the reply information in a memory (Takase figure 1; column 2, lines 30-40; and column 5, lines 7-13 where each node represents a client or a server.);

b. a connection monitoring unit connection configured to monitor a connection between the data communication device and the external communication device, the connection for transmitting the reply information from the reply unit (Takase figure 1, elements 14, 18, and 19); and

c. transmission unit configured to transmit the reply information corresponding to the connection stored in said memory to said external communication device if the transmission unit determines that the connection has been abnormally cut off based on a result of the monitoring by said connection monitoring unit (Takase figure 1B, node interface 1610; figure

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8B, line terminator 331a; and column 10, lines 8-25 where the reply information is understood to simply be a response to a request.).

10. Referring to claim 3, Takase has taught the device wherein the reply information includes identification information for identifying the request (Takase figures 3A, 3B, and 3C where all requests inherently contain information regarding the requestor or at least the beneficiary of the request.).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takase in view of Smith, U.S. Patent Number 5,835,724 (herein referred to as Smith).

13. Referring to claim 2, Takase has not expressly disclosed the device further comprising a reply information destruction unit which destroys the reply information stored in said memory if the reply information destruction unit determines that the connection has been normally released based on the result of the monitoring by said connection monitoring unit. Takase has taught terminating a connection and having had multiple items of information regarding the connection stored in a database (Takase figure 9; column 11, lines 7-40). Smith has taught destroying all information related to a session when the session is terminated (Smith column 8, lines 48-63). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to destroy the information regarding a connection when the connection is terminated. One

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of ordinary skill in the art would have been motivated to do this in order to minimize the amount of information stored in the database and to prevent having to cleanse irrelevant information regarding terminated links from the database at a later time.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 571.272.3934. The examiner can normally be reached on Mon.-Fri. 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571.272.6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
May 10, 2005


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER